

REMARKS

Claims 1-39 stand in the application, all claims being rejected over prior art. Reconsideration of the application and allowance of all claims are respectfully requested in view of the following remarks.

As explained in the response filed November 23, 2007, Odenwalder does not describe either of its control channels as being dedicated to a single subscriber. Thus, Odenwalder does not have its base station select one of plural sets of shared channels and then use a dedicated channel to advise the terminal of which set has been selected.

In paragraph 5 of the Office action, the examiner dismisses this distinguishing argument on the grounds that claim 1 does not recite a channel dedicated to a single subscriber. But line 3 of claim 1 recites “at least one channel of the base station that is dedicated to one of the terminals,” and the claim later recites that this dedicated channel is used to indicate to the terminal the set of shared channels that has been selected by the base station for communication between the base station and the terminal. Thus, claim 1 does in fact recite the feature relied on in applicant’s arguments for patentability.

The examiner next argues that, even if the claim language did recite a control channel dedicated to a single subscriber, he interprets the term “control channel” in Odenwalder to mean a channel dedicated to a single subscriber. But this interpretation is without support and, in fact, is directly contrary to the teaching of Odenwalder. As discussed in the response filed November 23, 2007, Odenwalder only describes two control channels, a first control channel for indicating that a traffic channel is to be shared, and a second control channel for indicating the identity of a

subscriber station so that the identified subscriber can demodulate the shared traffic channel. One of the control channels tells all subscribers which control channel is to be shared, and the other control channel tells all subscribers the identity of the particular subscriber who will be permitted to demodulate the data currently in the shared traffic channel. So according to the explicit description in Odenwalder, neither of the control channels is dedicated to a single subscriber. This simply leaves no room for the examiner to “interpret” either of these control channels as a dedicated channel. The examiner further comments that the present application does not describe whether the dedication is permanent, but this misses the point. It would be relevant if Odenwalder taught a temporary dedication, but it does not. There is no discussion in Odenwalder of any communication over either of the control channels to a terminal at a time when the control channel is even temporarily dedicated to that terminal.

As to the indication of a selected set of share channels, the examiner notes that Odenwalder teaches using a control channel to indicate that a traffic channel is to be shared. But it is noted that this indication is sent to all terminals. There is no indication that the shared channel is to be used for any particular communications session with a terminal.

The examiner further argues that plural sets of channels are inherent in Odenwalder because it is a multiple access system and one set of channels cannot be assigned to plural subscribers at the same time. But this is untrue. A set of channels could be allocated simultaneously to two different mobile terminals, and the mobile terminals would simply have to share them. This appears to be what Odenwalder does, with the transmissions over a particular channel being required to include an identifier of which terminal a particular transmission is intended for.

Further, the examiner is unreasonably ignoring the concept of “sets.” Claim 1 recites allocation of a list of shared channels to a base station, with the list being composed of several sets, having a control facility indicate to the terminal the list of shared channels allocated to a base station, and then having the base station advise which set of channels, of the plural sets included in the list identified to the terminal by the control facility, is to be used for a communication session between the base station and mobile terminal. There is no discussion in Odenwalder of the multiple available frequencies being organized into sets, or the selection of a particular one of those sets, or the communication of the selected set to the terminal, and certainly not conducting such notification over a channel dedicated to that terminal, all as required by claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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